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ABSTRACT

This summary report describes efforts to bridge developments in the use of technology in delivering higher education services with the traditional roles and responsibilities of state agencies, accrediting bodies, and institutions (Project ALLTEL). Designed to suggest policies and procedures to states and accrediting institutions charged with assessing higher education services delivered by telecommunications, the contents are divided into eight major sections: (1) introduction; (2) project objectives and organization; (3) evolution of the goals statement; (4) development of an institutional profile, i.e., means by which information about an institution's activity via telecommunications can be collected; (5) the legal setting for telecommunications instruction; (6) the final products; (7) the ALLTEL teleconference; and (8) summary and conclusions. The section on final products includes copies of a proposed national strategy for assessing long distance learning through telecommunications, the Statement on Accreditation and Authorization of Distance Learning through Telecommunications, and the Institutional Profile for Telecommunications Instruction. Appendices contain lists of the accreditation task force, authorization task force, legal task force, technology advisory committee, implementation task force, and consultants, as well as the Joint Statement of the Accreditation, Authorization and Legal Task Forces on Assessing Long Distance Learning via Telecommunications. (JB)

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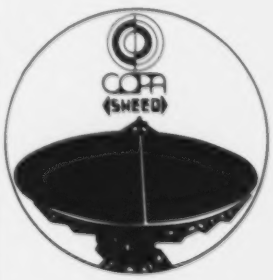
Assessing Long Distance Learning Via Telecommunications

PROJECT ALLTEL: A Summary Report



Council on Postsecondary Accreditation
State Higher Education Executive Officers

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THE PROJECT ON ASSESSING LONG DISTANCE LEARNING VIA TELECOMMUNICATIONS

PROJECT ALLTEL

by
Bruce N. Chaloux

COUNCIL ON POSTSECONDARY ACCREDITATION
STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

OCTOBER, 1985

A Project Supported By The
Fund For Improvement of Postsecondary Education

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FOREWORD

Developments in communications technologies during the past twenty years have had a dramatic impact on how we live, work and play. The impact on how we learn has been less dramatic.

Despite claims by many educators who have predicted that a telecommunications "revolution" would significantly alter the educational process, American higher education remains very traditional. Nevertheless, a small but ever growing number of institutions remain active in developing ways to use the technology. Economic barriers to using telecommunications have lessened as the technology has become more readily available and less costly. Technical barriers to delivering educational services hundreds and even thousands of miles from the campus have been removed. There is evidence that many more institutions are planning to make use of communications technologies in the coming years. This will mean that state agencies and accrediting bodies will be required to deal with instruction delivered by telecommunications, to govern its use where appropriate and possible, and to assure its quality. New approaches to assessing quality will be needed.

The Project on Assessing Long Distance Learning Via Telecommunications (ALLTEL) provided an opportunity to

develop new approaches to ensuring the quality of higher education services delivered by telecommunications. We believe the states and the accrediting community, working together, can encourage the expansion of telecommunications in higher education. The policies and procedures suggested in this report can provide assistance to both institutions and the organizations and agencies charged with assessing these activities. The next step is for state agencies and accrediting bodies to take these recommendations and to use them.

The Council on Postsecondary Accreditation and the State Higher Education Executive Officers Association are committed to making our national system of higher education the best it can be. Telecommunications can provide greater access to higher education for many Americans. We hope that this Project will further its use.

Gordon K. Davies
State Higher Education Executive
Officers Association

Richard M. Millard
Council on Postsecondary
Accreditation

DRAFT

ACKNOWLEDGEMENTS

This Project would not have been possible without the efforts of many true professionals. Space does not permit a listing of all who have contributed their time and expertise to this undertaking. Hundreds of people participated on various task forces and advisory committees and worked with the Project staff on the nationwide teleconference and related activities.

A special word of appreciation must go to the Fund for the Improvement of Postsecondary Education for its foresight and willingness to support the Project. Additional financial support from the Annenberg/CPB Project and the Public Broadcasting Service's Adult Learning Service helped to make the teleconference a reality.

The support of the Council on Postsecondary Accreditation and The State Higher Education Executive Officers, and their members who served on the Steering Committee and the various task forces, was crucial to the entire effort. The leadership of Gordon Davies and Dick Millard kept the staff focused on our objectives, and Michael Goldstein's legal expertise provided invaluable assistance in defining the legal issues central to this report. The

time and effort of the COPA staff and the support of the Virginia Council of Higher Education demands special acknowledgement.

Finally, special thanks must go to Janet Froom, the Project's Administrative Assistant and only full-time staff person, for her superb efforts in coordinating the Washington office, task force activities, and the teleconference.

Bruce N. Chaloux
Project Coordinator

INTRODUCTION

An Emerging Phenomenon

After several decades of false starts and meager evidences of success, providers of postsecondary education are turning in rapidly increasing numbers toward the utilization of various forms of electronic technology to deliver instructional services. These providers include not only established colleges and universities, but also a wide variety of so-called non-traditional entities ranging from alternative institutions to government and private industry. Tucker suggests that, while telecommunications programs were previously on the periphery of the main education enterprise, the situation is changing rapidly.

> We are in for a dramatic rise in the use of telecommunications in higher education, and some major shifts in the application of these new technologies. Telecommunications planning, operations, and policy development very likely will move from the periphery to the center of the field of vision of higher education managers. (Telescan, Volume 2, Issue 7, September/October, 1982, page 1)

Examples of these developments abound. The rapid growth of the Adult Learning Service of the Public Broadcasting Service, the recent expansion to international status of the

former National University Consortium for Telecommunications in Teaching, the launching of the American Open University of the New York Institute of Technology, the creation of the National Technological University from the Association for Media-Based Continuing Education for Engineers, the plans for national programs to be offered by CBN University, and literally hundreds of institutional and other organizational activities in telecommunications-based instruction are testimony to this growth. Recent developments with TeleLearning Systems, Inc.'s "Electronic University," in which a number of institutions have contracted with the San Francisco-based firm to offer credit instruction via computer, provide further evidence of the potential and growth in using computer technologies to deliver postsecondary services. All of these developments and others in the planning stage bear witness to a coming of age of the use of telecommunications to deliver postsecondary education to hitherto unserved or underserved clientele.

Paralleling this sudden growth of institutional systems for utilizing telecommunications has been the development and maturing of the technologies themselves. These advances have been coupled with the dual effects of the rapidly rising cost of traditional instruction and the concomitant increasing cost-effectiveness of technological delivery systems.

Whereas once open-broadcast television was the only way to distribute electronic courseware, there now exists a plethora of technologies available for this purpose. These include expanding cable networks, the introduction of the videodisc and particularly its harnessing to the micro-computer, the utilization of microwave-based multipoint distribution systems (MDS), direct broadcast satellite and the creation of a nationwide (and indeed global) satellite relay system that enables an originating institution or organization to feed its programming to virtually any public television station or cable system throughout the nation at minimal cost.

The decision to proceed with Project ALLTEL (Assessing Long Distance Learning Via TELecommunications) was in large measure dictated by the increasing awareness by members of the accreditation and state authorization communities of a potential problem comparable to that faced in the late sixties with the sudden explosion of off-campus instruction. At that time, those charged with regulating postsecondary education and assuring its quality were caught unprepared for the tremendous increase in off-campus programming that swept the country. Project ALLTEL's initiators and participants attempted to foresee potential assessment concerns raised by

the growing use of telecommunications and to prepare reasonable responses to these concerns.

The Role of Authorization and Accreditation

The removal or mitigation of technological, production and market constraints on the development and exploitation of telecommunications-based instruction might be thought to open the door to its widespread adoption, particularly given its increasing cost-effectiveness and the competition for scarce dollars. However, one very important set of constraints properly remains: the responsibility of the states to regulate the provision of educational services within their boundaries (the authorization or state licensure function), and the reliance of both the states and the education community itself on self-regulation quality control (accreditation). The primary purpose of both state authorization and voluntary non-governmental accreditation is to provide the public with basic assurances that proffered educational services meet minimum standards and that the award of an academic, professional or technical degree can be relied upon as representing a certain minimum level of knowledge. In addition, accrediting bodies are concerned with progressive quality enhancement of institutions and programs. These historic functions have become increasingly

important as the number and variety of providers of postsecondary services have increased.

An ancillary effect of authorization and accreditation has been to protect existing providers from the depredations of "unscrupulous" competitors. This protectionism is always couched in terms of protecting the consuming public, and often the protection is applied only for that purpose. However, as the postsecondary market becomes more competitive, the opportunity to use the state authorization and voluntary accreditation process to stifle competition and innovation arises as a more serious problem.

The state authorization and accreditation communities have recognized the growth of non-traditional means of delivering postsecondary education, and in recent years a number of efforts have been undertaken to develop common guidelines for the assessment of these activities.

In 1973, the Education Commission of the States published "model legislation" for state authorization/approval activities. Although this document is 12 years old, it continues to be a significant publication. Many states adopted new legislation or revised existing laws during the 1970's and early 1980's and this

report is still affecting the development of authorization legislation.

Another major effort was undertaken by the Council on Postsecondary Accreditation (COPA) in its 1978 report entitled "Assessing Nontraditional Education." Out of this came a series of recommendations for the accrediting community and for postsecondary institutions as to a future course of action for dealing with non-traditional programs. The key feature of the Policy Statement arising out of the report is the recommendation that "the accrediting model, now primarily a 'process model,' should be restructured to include the assessment of educational outcomes or performance." The concept of the assessment of outcomes as opposed to processes was seen as opening the door to innovation that sought to achieve the desired learning consequences independent of traditional modes of instruction. Coupled with this key recommendation was the admonition that "where institutional educational operations are interregional, cooperation with other appropriate accrediting agencies should be mandatory." Thus, COPA recognized an emergent problem of instructional programs, particularly the non-traditional, extending across jurisdictional lines. However, the report dealt primarily with non-traditional forms of instruction and learning that

involved a presence of the providing institution within a given jurisdiction, and perforce a limitation upon the number of such jurisdictions within which a provider could simultaneously operate. Ad hoc cooperation, therefore, seemed reasonable and appropriate to resolve the coordination issue.

The states in the exercise of their authorizing function have taken a somewhat different approach. Most states now require a provider of postsecondary education services with presence within its jurisdiction to be licensed or authorized to operate. Some states set the threshold for presence at a very low level, as in the case of Minnesota, which requires only that there be offered an "educational activity" within the state; while others require (or their statutes have been interpreted to require) a more substantial physical presence. Some states premise authorization on the approval of an institution or other provider by an accrediting agency, and a few have taken the further step of requiring that approval come from the accrediting body with jurisdiction over institutions in the state. Full faith and credit for authorization granted by other states is very much the exception.

The effect of the existing combined accreditation and authorization system is a balkanization of postsecondary education. Never having had a "national university," the American system of approval is not equipped to deal with the provider whose services can easily blanket the nation. Yet, as noted earlier, just such services are being designed and in some cases initiated at this very time. The effect of the absence of a nation-wide consensual approach means that such systems of delivery must deal with the requirements of each state and each accrediting region. The mere investigation of licensure requirements and how they might apply to a given telecommunications system is both costly and time-consuming. The process of filing for authorization (assuming one could ascertain whether such a delivery system would trigger the applicable statute) is at present exponentially more difficult.

This lack of coordination and cooperation has resulted in the creation of a chilling effect upon those who would propose to develop telecommunications-based postsecondary instructional systems. The uncertainty as to treatment among the states and the accrediting regions, the great cost involved in dealing with fifty-plus licensure statutes of greatly varying effect and structure, and the inability to predict with any degree of certainty how a

telecommunications-based system might be perceived within a given jurisdiction, have caused many potential providers to tread very carefully in the development of their systems.

Yet there can be no question that state oversight and voluntary accreditation are not only valuable but necessary ingredients of our decentralized system of postsecondary education. The question which increasingly emerged, and which the Project sought to answer, revolves around the development of a unified or complementary approach (if not uniform laws) to the authorization and accreditation of distance learning via telecommunications, consistent with the dual needs of protecting the public while at the same time encouraging innovation and efficiency in the delivery of postsecondary education, particularly to those clientele now unserved or underserved.

Institutional Role

In addition to the consumer protection authorizing activities of state agencies and the self-regulatory quality assessment and enhancement of accrediting associations, fundamental to quality development in higher education are the integrity and self-regulatory activities of institutions themselves. It is upon extension of this institutional and

program responsibility to the larger higher education community that the validity of the accreditation process itself rests. The developments in telecommunications-based long distance learning will have a direct impact on existing institutions and programs. Thus, one important aspect of Project ALLTEL clearly includes increasing institutional awareness of the issues and dimensions of the new approaches and, through and with the existing, new, and emerging institutions, enhancing their own self-regulatory activities. While authorization and accreditation can inhibit or prevent shoddy, unscrupulous or submarginal operations, only the institutions or organizations involved in educational delivery can assure the integrity of their own operations. Thus, the concerns of state agencies, accrediting associations and institutions converge, and development of such institutional awareness and self-regulatory potential is an integral part of addressing the problem and creating the climate and support for effective authorization and accreditation in this expanding area.

The Project was an effort to bridge developments in the use of technology in delivering higher education services with the traditional roles and responsibilities of state agencies, accrediting bodies, and institutions. The effort

was to develop before these delivery systems were in place a set of reasonable and coherent policies which would ensure the growth and development of the technology while, at the same time, ensuring its quality. Goldstein summarizes these policy considerations and portends the results of the Project in the following way:

> The confluence of telecommunications and adult learning will result in a new set of policies that are increasingly based on an evolving marketplace approach, punctuated by the evolution of interstate agreements for the approval of delivery systems that operate on regional and national (and perhaps international) bases. The outlines of such agreements are already becoming apparent, as institutional, state and accrediting agency leaders seek to develop a framework for these programs while they are still in their infancy. ("Telecommunications and Higher Education", p. 81 in The Expanding Role of Telecommunications in Higher Education.)

PROJECT OBJECTIVES AND ORGANIZATION

Project Objectives

From its inception, Project ALLTEL focused on five overarching objectives. Numerous sub-objectives were considered during the first year of the study and were discussed and debated by the various task forces. However, all working groups strived to achieve the following objectives:

* Developing applicable policies, criteria and procedures for accrediting and authorizing telecommunications-based long distance programs and institutions to ensure and encourage basic consumer protection, quality, quality enhancement, and integrity of the educational activities.

* Encouraging effective institutional, agency, or organizational self-regulation and quality development as movements are made into the area of long distance telecommunications-based educational programs and degree delivery.

* Encouraging states to develop and adopt more uniform or complementary authorization laws and procedures that include reasonable provisions related to telecommunications-based long distance learning.

* Exploring and addressing the legal issues involved in and for states, accrediting associations, and institutions and organizations concerned with or involved in telecommunications-based long distance learning.

* Assessing current and future telecommunications developments as they may impact the issues of authorization, accreditation and institutional self-regulation.

Organization

The Project was co-sponsored by the Council on Postsecondary Accreditation (COPA), a national organization whose major purpose is to support, coordinate and improve all non-governmental accrediting activities conducted at the postsecondary level, and the State Higher Education Executive Officers Association (SHEEO), the association of statewide higher education coordinating and governing boards whose responsibilities include long range planning, program and

budget review, and authorization of institutions to operate and grant degrees. Richard M. Millard, President of COPA, and Gordon K. Davies, Director of the Virginia Council on Higher Education (formerly President of SHEEO) served as co-directors of the Project.

The Project was under the general supervision of a Steering Committee composed of ten members, five appointed by COPA and five by SHEEO. The Steering Committee had primary responsibility for: directing the Project; coordinating and synthesizing the work of the task forces; developing policy statements and recommendations to appropriate organizations, institutions, and associations; and developing strategies for implementation.

The analysis of issues and development of a strategy for the assessment of long distance learning via telecommunications, accomplished during the Project's first year, was carried out by three task forces on Accreditation, State Authorization, and Legal Issues (see Appendices A-B-C). The task forces were developed to have a broad-based representation from accrediting bodies, state authorizing agencies, institutions, corporate entities, the communications field, and other groups interested in or involved with telecommunications instruction.

In addition to these task forces, a Technology Advisory Committee was created during the first year of the study to provide expertise concerning state of the art in telecommunications technology and the potential for its future applications to higher education. (See Appendix D.)

During the Project's second year, an Implementation Task Force was formed to develop and test means of implementation of the strategies suggested by the Project's other working groups. (See Appendix E.)

Task Force Objectives

During the first year of the Project the three task forces each met on three occasions. The first session was a joint meeting of the three groups in October, 1982. The task forces then met individually during February and March, 1983, to continue deliberations. A final joint meeting was held in July, 1983. The Technology Advisory Committee met in November, 1982.

During the second year of the Project the Implementation Task Force met on two occasions: October, 1983 and April,

1984. This section of the report describes the charge to each task force, the issues discussed, and the results of the group's work.

Each of the three task forces had specific responsibility for reviewing and commenting on a series of issues or concerns which it believed were relevant to the Project and would assist the Steering Committee in meeting the Project objectives. Although there were a number of specific issues unique to each task force, there was some overlap of issues, as well as some complementary concerns which were analyzed by each task force.

Each task force was responsible for submitting a final report of its deliberations, analysis of relevant issues, and recommendations to the Project coordinator. The Project staff served as staff to each task force and worked closely with each chairman to assist the task force by providing information and materials as requested. Each task force appointed a recorder who was responsible for reporting the activities of the task force meetings to the chairman and the project coordinator.

The Steering Committee reviewed and suggested a series of possible issues and areas of concern for review by each

task force. The Steering Committee's purpose was to provide each task force with an initial set of issues to be studied. It was expected that each task force would review its list of issues, determine those it wished to emphasize, and add to or delete from the list at the task force's discretion. The original lists of issues and areas of concern for each task force were as follows.

Accreditation Task Force

* Reviewing relationships among regional and specialized accrediting policies, standards, and guidelines.

* Analyzing the extent to which standards, policies, or guidelines need revision to relate to long distance learning via telecommunications.

* Reviewing the relationship of region of origin of programs to other receiving regions - developing interregional reciprocity and/or interregional cooperative reviews.

* Determining the education or training needs of site evaluators and the development of guidelines relevant to long distance learning.

* Developing cooperative relationships with state agencies involved in the authorization clearinghouse.

* Developing new relationships between institutional and specialized accrediting agencies in standards development, accrediting procedures, and policy development and implementation as these relate to long distance learning.

* Reviewing methods for re-enforcing institutional self-regulation.

* Reviewing concerns about regional and/or federal intervention.

* Reviewing relationships between the accrediting community and corporate activities in telecommunications.

* Analyzing contractual arrangements between institutions and non-educational organizations.

* Developing model legislation or guidelines for legislation for long distance learning via telecommunications.

Authorization Task Force

* Strengthening, modifying, or replacing existing state authorization legislation, and determining how this can be done for long distance learning via telecommunications.

* Obtaining effective state authorization legislation in states currently without any.

* Developing model legislation or guidelines for legislation for long distance learning via telecommunications.

* Developing or modifying criteria to be incorporated in legislation or regulations for long distance learning via telecommunications.

* Requiring reciprocity and comparability of criteria among states.

* Developing cooperative and complementary relations with accrediting associations.

* Developing, in cooperation with COPA, a clearinghouse on legislation, policies, practices, and standards.

* Assuring that legislation, regulations, or procedures do not inhibit innovation and development of qualitative long distance learning via telecommunications.

* Enhancing cooperative relations among state agencies involved in the authorization clearinghouse.

* Reviewing concerns about regional and/or federal intervention.

Legal Task Force

* Analyzing state sovereignty and its implications for reciprocity.

* Reviewing the relevance of the Interstate Commerce clause of the Constitution as it applies to long distance learning via telecommunication.

* Determining the legal bases for state and federal regulations for long distance learning via telecommunications.

* Assessing state agency and accrediting association liability, due process, and confidentiality.

* Determining the appropriateness of current laws (both state and federal) to the issue of telecommunications.

* Developing model legislation or guidelines for legislation for long distance learning via telecommunications.

* Reviewing the interface between state and federal regulatory agencies covering long distance learning via telecommunications.

* Reviewing the nature of contractual relationships between institutions and non-educational organizations.

* Developing or modifying criteria to be incorporated in legislation or regulations for long distance learning via telecommunications.

Originally designed to be a fourth task force, the Technology Advisory Committee was created by the Steering

Committee to assist each of the Project's groups to better understand the existing technology and future implications and possibilities for uses of the technology in education. It was believed that a crucial factor in realizing the objectives of the Project was a knowledge of existing technology which supports or can support long distance learning via telecommunications. Current technological developments in the telecommunications industry, the various uses being made of the technology (both by educational institutions and by non-educational institutions) needed to be defined. A working knowledge of the potential applications of the technology in educational settings was also needed to place the important issues relating to accreditation, state authorization, and legal aspects in a proper light.

As important as the existing developments in the technology supporting telecommunications were, the projected view of the technological innovation may have been even more crucial to the Project's long-range impact. Any regulatory strategy would become outdated in a relatively short period of time if it was inflexible or untimely. Assuming that the telecommunications technology of today may well be obsolete tomorrow, the guidelines and policies developed by the Project's working groups had to take into consideration

significant trends and adjust accordingly. Although no one has the ability to predict, in any exacting way, what might occur, the ability to focus and comment on trends was indeed possible. The Technology Advisory Committee was asked to comment on those trends, in particular those which they believed would have the potential to significantly alter existing activities in telecommunications.

The issues suggested by the Steering Committee for review by the Technology Advisory Committee included:

* Limitations in applicability of technology to educational objectives;
* Potential for education/training of emerging technological developments;
* State of the art in delivering education/training;
* Methods of delivery;
* Limitations and potential of technology in telecommunications;
* Role of industry in education/training in the long distance learning mode.

The Implementation Task Force was created to develop and test means of implementing the principles and procedures suggested in the Joint Statement of Accreditation, Authorization, and Legal Task Forces on Assessing Long Distance Learning Via Telecommunications, produced during the first year of the Project. This document is discussed in the

next section of the report. The task force was specifically charged with developing a plan that would become the basis for working agreements between and among authorizing and accrediting bodies to reduce the multiple and repetitive procedures currently required for multi-state authorization and institutional and specialized accreditation.

In developing such a plan, the Task Force was required to determine the most appropriate strategies to accomplish this objective. Strategies suggested by the Accreditation, Authorization, and Legal Task Forces included:

1. Developing an institutional or programmatic profile of crucial information needed by accrediting bodies and authorizing agencies and available for sharing among them.

2. Conducting one or more simulations or actual case studies using the profile noted above.

3. Soliciting opinions and advice of concerned parties.

4. Arranging meetings or negotiation sessions between accreditation bodies and authorization agencies in relation to the simulations or case studies.

Although the task force had freedom to determine how it wished to approach its work, its discussions and deliberations were bound by the general and procedural principles developed by the Accreditation, Authorization, and Legal Task Forces in the Joint Statement.

The previous section of this report detailed the responsibilities of the Project's four task forces and the advisory committee along with the issues considered by each of these groups. The following section summarizes the results of each group's work during their meetings prior to the joint meeting in July, 1983, the "Reston meetings." A review of these sessions gives a clear indication of the analysis of issues which ultimately led to the principles and procedures agreed to at the Reston meetings.

EVOLUTION OF THE STATEMENT

The results of the task forces' efforts during the first year of the Project were summarized in a document entitled the "Joint Statement of the Accreditation, Authorization, and Legal Task Forces on Assessing Long Distance Learning Via Telecommunications." The document represented the results of three individual and joint meetings held during the first year of the Project as noted earlier.

In July, 1983, the three task forces met in Reston, Virginia, to complete their work and to make recommendations to the Project's Steering Committee. Each group had approached its work and objectives in different ways, yet the groups were able to reach consensus on the key elements of the Joint Statement in a relatively short period of time.

Each task force presented a set of final recommendations at the Reston meetings. These recommendations summarized the efforts of each group during the first year and are highlighted below.

The Accreditation Task Force report included the following:

* The focus of the Project is on those institutions and other organizations which award credit that can be applied toward an academic degree and provide other credentials that have credit bearing significance such as programs leading to certificates of proficiency or licensure, not on organizations which produce courses, support materials, or evaluation services (unless these organizations also award credits and credentials).
* Long distance learning via telecommunications utilizes new technologies for providing educational opportunity, suggesting the possibility of new ways of evaluating student achievement. The task forces support and urge further development of "outcome" measures by institutions and other organizations involved in telecommunications instruction, and increased emphasis on outcome measures by accrediting bodies and state authorizing agencies.
* While the Project has been specifically instructed to take a look at long distance learning through telecommunications, the assessment of programs delivered via telecommunications should be placed within the context of all off-campus and distance learning programs.
* The policies and procedures for assessing long distance learning via telecommunications should encourage the development and use of technology for educational purposes. Specific requirements by state authorizing

agencies and accrediting bodies should not become barriers to constructive innovation.

* The accreditation and authorization of institutions and programs which have developed and are currently in place use assessment procedures appropriate to a variety of techniques and delivery systems for providing educational opportunity. However, current standards and criteria may have to be modified for the institutions delivering instruction via telecommunications.
* The creation of a separate and new accrediting body to accredit institutions and organizations offering long distance learning via telecommunications is unnecessary.
* Accreditation bodies should require demonstration by an institution or program under evaluation that its students achieve the appropriate educational objectives set for them. The currently accepted basic criteria of accreditation can be appropriately applied to institutions and programs offering long distance learning and/or using telecommunications and other electronic techniques. These basic criteria state that the institution or program:

    a. Has appropriate purposes;
    b. Has the resources needed to accomplish its purposes;

c. Can demonstrate that it is accomplishing its purposes;

d. Gives reason to believe that it will continue to accomplish its purposes.

* State authorizing agencies should seek more common authorization procedures and requirements so that educational institutions could receive authorization in all jurisdictions through a single assessment procedure.
* The existing interregional agreement envisioning a single accrediting activity for an institution, conducted cooperatively by two or more regional commissions, should be strengthened so that the accreditation of a single institution should not be subject to separate evaluations by separate accrediting commissions simply because its activities do not lie within particular geographic boundaries.
* Accrediting organizations and authorizing agencies should jointly seek to reduce the multiple and repetitive procedures currently required, perhaps through a common institutional profile that would seek similar information and use similar procedures for both authorization and accreditation.

The Authorization Task Force Report was highlighted by the following points:

* Any approach to the assessment of long distance learning via telecommunications should ensure that regulations do not inhibit the development of telecommunications instruction.
* State authorization activities are (should be) the initial step and a necessary component of the accreditation process in the assessment of long distance learning via telecommunications.
* The state's role in consumer protection is acknowledged and should be reinforced as necessary.
* The development of outcome measures by institutions and organizations involved in telecommunications instruction is urged as the most appropriate means for assessing long distance learning via telecommunications.
* The focus of the state's authorization activity in long distance learning via telecommunications should be on the institution granting credits and degrees, not on the producer of telecourses or supportive materials.
* The focus of the assessment activity for long distance learning via telecommunications should be the accrediting process, in particular the regional accrediting process.
* Whether an institution should seek appropriate approval (accreditation, authorization or both) appears to depend upon whether the institution will have a physical presence in the state in which it wishes to operate.

There is no clear legal definition of "physical presence," and a body of case law has not yet been created. If an institution simply sends an electronic signal across the border, it has no "physical presence" in the state. If, on the other hand, the institution augments its electronic delivery with a counseling and tutoring service in the state, it clearly has a "physical presence." The great variation between these extremes is still undefined. It is further recommended that the interests of higher education and the general public are best served if institutions seek appropriate approval even in situations in which they are not clearly required to do so. A general intent of these recommendations is to make accreditation and authorization of telecommunications-based educational programs as thorough but unobtrusive as possible. If this can be done, then the burden of seeking approval will be light enough to warrant an institutional investment in public accountability.

* A primary and fundamental objective is the development of closer working relationships between state authorizing agencies and accrediting bodies. Both should undertake a reexamination of regulations, standards, and criteria for possible use in the evaluation of instruction delivered via telecommunications.

Finally, the Legal Task Force continued its efforts to refine the concept of physical presence (discussed in more detail later in this report) and to provide a greater understanding of this concept to its sister task forces. It concluded and suggested the following:

* non-credit and avocational activities are not within the purview of the Project and thus were not included in the analysis;
* exchangeable certification needs further review, but most likely is not relevant to the Project;
* the use of interstate mail and telephone services to provide instructional and related services to students involves protected interstate commerce and, therefore, generally cannot be subjected to state regulation;
* the presence of an institutional recruiter (agent) in a state may not constitute sufficient physical presence of the institution in that state to subject it to licensure;
* this concept is applicable to all telecommunications-based delivery systems, including open broadcast, tape exchange, and cable-delivered educational services;

* the use of an interstate interactive computer system to deliver educational services, absent any other in-state contact, would not create jurisdiction over the out-of-state institution;
* the use of exclusionary hiring, promotion, and other personnel policies by a state which results in the non-acceptance or non-recognition of course credit and degrees because the institution: (a) is providing instruction via telecommunications, and/or (b) is located outside the state and lacks sufficient presence to require state authorization, may give rise to Equal Protection Clause problems; and
* states have less authority to exercise jurisdiction over a postsecondary student, absent any other in-state contact by a foreign institution, as compared with its jurisdiction over elementary and secondary school students, since these students have a constitutional or statutory responsibility to attend school through a certain age.

The end result of these deliberations was the "Joint Statement on the Accreditation, Authorization, and Legal Task Forces on the Assessment of Long distance Learning Via Telecommunications." This document (a complete text can be found in Appendix G) was divided into three sections:

General Principles, Procedural Principles, and Implementation Steps. It incorporated the elements suggested by the task forces and was approved by the three groups for transmittal to the Steering Committee for review and adoption.

Various versions of the Joint Statement were prepared and were shared with a broad spectrum of interested and affected groups. The Joint Statement was the focal point of the national video teleconference and was reviewed and approved by the membership of COPA and SHEEO. Its final form is presented and discussed later in this report.

DEVELOPMENT OF THE INSTITUTIONAL PROFILE

The Joint Statement included a section entitled "Next Steps" in which the task forces recommended that another task force be created to evaluate the elements of the Joint Statement. In August, 1983, the Steering Committee appointed an Implementation Task Force and charged that group with addressing the issue of the multiple and repetitive procedures currently required for institutions seeking to operate in more than one jurisdiction. It further charged the task force with developing a useful plan that could become the basis for working agreements between and among authorizing and accrediting bodies, and suggested the following possible procedures:

a. analyze current regulations and requirements for accreditation and authorization
b. implement one or more simulated case studies
c. hear testimony of concerned parties
d. implement one or more actual case studies.

This charge became the focus of the second year of the Project and in particular, the efforts which led to the Implementation Task Force's development of the "Institutional

Profile for Telecommunications Instruction" and its evaluation.

The Institutional Profile was developed by the Implementation Task Force as a means for collecting relevant information about an institution's activity via telecommunications. It is intended to provide state agencies and accrediting bodies with validated data about an institution's activities both in the home state (or originating point) and other locations where instruction is being delivered.

The Implementation Task Force suggested that the Institutional Profile should provide information about the level of activity, or "physical presence," within a given state; should not isolate telecommunications instruction more than it need be from educational services delivered in more traditional means; and should specify a "trigger mechanism" which would set off the assessment process when an institution or other organization offers credit for instruction delivered via telecommunications. Given these parameters, a sub-committee of the task force was appointed and charged with developing a draft instrument.

The sub-committee drafted the document (see Appendix K) during October and November, 1983. The draft was divided into two sections: General Institutional Data and State Data. The first section sought general information about an institution's telecommunications activities in general categories including mission, organization and administration, finance, educational programs (curriculum), instructional staff, student services, learning resources and services, telecommunications delivery systems and academic oversight. The second section sought specific information about an institution's telecommunications activities in each state where it was offering (or planning to offer) instruction.

The draft Institutional Profile was reviewed and approved by the Implementation Task Force and prepared for "field-testing" in the Spring, 1984. Four institutions were selected to prepare the Institutional Profile: The American Open University of the New York Institute of Technology, Dallas County Community College, the National Technological University, and the University of Maryland School of Engineering. These institutions were selected for two specific reasons. First, each institution was involved or had specific plans to become involved in delivering instruction via telecommunications. Secondly, the task force

sought a mix of institutional types, programs, and delivery systems. The four institutions met these criteria.

Copies of the draft Institutional Profile were delivered to the institutions in February, 1984, and were prepared by the institutions during March. In April, 1984, the Implementation Task Force met with representatives of the four institutions to review the completed profile and to seek suggestions about the usefulness of the form from those who had completed the document.

The meeting produced a significant amount of discussion and suggestions for fine-tuning the profile. The institutional representatives made a number of important comments about specific information requests and the need to clarify or better define the various data elements. However, the clear consensus was that the document was viable, not as cumbersome as some had originally thought, and could provide a useful "profile" of an institution's activities via telecommunications. The Implementation Task Force suggested a number of relatively minor changes, approved the final draft of the Institutional Profile, and recommended it to the Steering Committee for final adoption.

THE LEGAL SETTING FOR TELECOMMUNICATIONS INSTRUCTION

The Legal Task Force grappled with a number of areas of significant potential impact on the accreditation and state authorization of telecommunications-based instruction. The Task Force focused its attention on the fundamental conflict between the Reserved Powers and Commerce Clauses of the Constitution, as well as potential First Amendment constraints and issues of equal protection, restraint of trade, civil rights, consumer protection and physical presence. Recognizing that a full understanding of the underlying legal principles would be needed to develop a logical framework for its activities, the Task Force commissioned a series of position papers for its review. This section summarizes the findings of the Task Force.

The Commerce Clause Versus The Reserved Powers Of The States

The most pressing legal issues were found to arise out of the inherent conflict between the power of the Federal government to regulate interstate commerce and the historical power of the states to regulate the delivery and conduct of formal education within their jurisdiction. The Commerce Clause of the Constitution reserves to the Federal government the right to regulate commerce between the states, and

concommitantly to exclude the states from themselves burdening interstate commerce. Such Federal preemption is not, however, absolute: depending upon the circumstances, courts have ruled that the state may share, and in some cases even assume full responsibility for, regulating activities that may be characterized as interstate. The test most commonly applied has been whether national uniformity is essential or whether state regulation unduly burdens interstate commerce. Where such uniformity is not necessary, state regulation does not constitute an undue burden on interstate commerce, and there is a strong local interest to be protected, the States have been able to prevail.

Based upon the powers granted in the Commerce Clause, the Federal government has, almost without exception, exercised absolute authority in the area of interstate telecommunications. However, in the area of education the exact opposite is true: the Reserved Powers Clause of the Constitution has historically been construed to reserve control over education to the states (indeed, most Federal education laws expressly deny any assertion of superceding Federal control), and for two centuries the states have exercised relatively unbridled sovereignty in this regard. To the extent that the States have attempted to regulate the interstate delivery of educational services, the courts have

generally pursued a middle path, striking down regulations that were excessively burdensome or where there was not a unique local interest (as in the case of the regulation of correspondence courses), but sustaining to a large degree the regulation of out-of-state institutions seeking to operate branch campuses within another jurisdiction.

It is in instruction by telecommunications, where the delivery of educational services spills across state lines, that these two constitutional theories come into conflict. It is clear that a state cannot prohibit or interfere with the transmission of an electronic signal ariving from outside of its jurisdiction, whether through the air or via a telephone or video cable. It is likewise clear that Federal preemption restricts the ability of a state to exercise control over the transmission of extra-state educational programming that is transmitted by an in-state broadcast facility (or carried by a local cable system). However, when the invasion of a protected telecommunications signal is accompanied by something more, then the ability of the state to exercise its sovereign rights to oversee education within its borders comes into play.

The exercise of Federal regulation over telecommunications is itself subject to considerable

variation depending upon the particular medium. In the area of over-the-air radio and television, there is virtually total Federal preemption and pervasive regulation (even in this era of deregulation). Cable television, on the other hand, is evolving into a truly deregulated medium, but here the federal government has exercised its right of "negative preemption": that is, while the heavy hand of federal regulation has been lifted, the Congress has limited the ability of states and local governments to fill the regulatory gap. Other telecommunications technologies are subject to varying levels of regulation. Some, like microwave links and the Instructional Television Fixed Service (ITFS) are licensed and regulated by the FCC like the traditional broadcast technologies. Others, such as satellite master antenna systems and computer networks, are substantially unregulated at the federal level. Consequently, the scope of federal preemption with regard to the newer technologies is unclear in the context of instruction by telecommunications.

Physical Presence

The ability of a state to regulate the activities of a foreign (that is, out-of-state) educational institution depends in large measure upon a determination of whether the

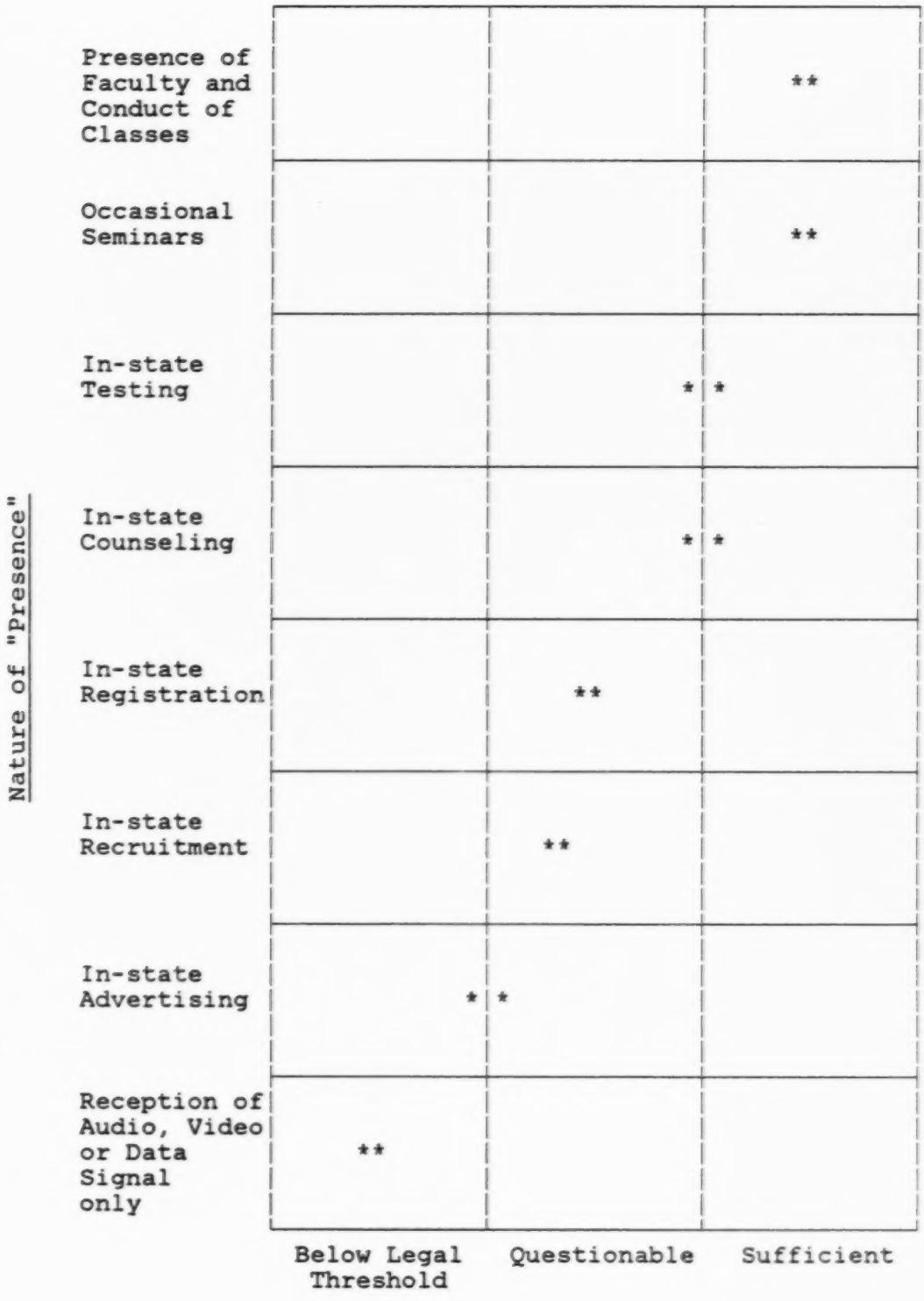
school is legally "present" in the state. Absent specific statutory provisions, the definition of physical presence derives from corporate law and the concept of "doing business" within a state's jurisdiction.

A state's ability to exercise its control over a foreign entity depends on the degree and nature of the involvement of the entity within the regulating state. At one extreme is the operation of a branch campus, replete with faculty, staff, buildings, facilities and equipment. No one would challenge the "presence" of such an institution within a state. At the other extreme is contact limited solely to the ether: a telecourse wafting across the border from a neighboring station, or down to a satellite terminal from tens of thousands of miles up. Few would argue, and likely none successfully, that such "intrusion" could be construed to constitute legally-sufficient "physical presence" to enable a state to assert its jurisdiction. In between these extremes, however, is a very large grey area, the content of which will determine whether a state may, or may not, assert its control over an out-of-state provider of educational services.

Considerations that come into play in determining whether an institution has sufficient physical presence to

trigger state regulatory mechanisms include the nature of the activity within the state, the quantity of that activity, its duration, the nature of the people involved within the state (i.e., employees of the institution or others) and the specific language of the State statute. A statute regulating the offering of instruction leading to a degree may be considerably more useful in asserting control over an out-of-state institution than one which only regulates the conferring of the degree itself.

The Legal Task Force developed a matrix which describes the boundaries of this dilemma:


Nature of "Presence"
Presence of Faculty and Conduct of Classes
Occasional Seminars
In-state Testing
In-state Counseling
In-state Registration
In-state Recruitment
In-state Advertising
Reception of Audio, Video or Data Signal only
Below Legal Threshold
Questionable
Sufficient
Degree of "Presence"

Clearly, the determination of whether a telecommunications based instructional program is "present" within a particular state sufficient to allow that state to assert its regulatory jurisdiction will depend on the specific nature of the program, as well as the characteristics of the state's own authorizing statute. But even if an institution does not meet the "presence" standard for invocation of the higher education authorizing statute, it may still be subject to some state oversight as a "foreign corporation" doing business in the state. Likewise, state consumer protection laws may require an institution to register its recruiters, ensure that its promotional materials are not misleading, and avoid engaging in fraudulent practices. A minimum of contact, significantly less than would be required to trigger an authorizing statute, is generally sufficient to give a state jurisdiction under its consumer protection laws.

Antitrust Laws

Both the federal government and the states have enacted laws intended to promote competition and restrict the ability of one or a small group of companies to monopolize a market

and restrain trade. However, certain fields historically have been excluded from coverage of the antitrust laws due to their character as so-called "natural" monopolies, like the electric and gas companies. Telecommunications generally has been considered to be within this exclusion, while higher education has been either too fragmented to trigger antitrust concerns or a state function that is excluded from coverage. However, when a state uses its regulatory powers to exclude an institution from competing, an antitrust argument could be made-- assuming that the state could be brought under an appropriate statute. Until very recently it was clear it could not, but now that the Supreme Court has ruled that local governments are not necessarily exempt from the effect of antitrust statutes, it is no longer certain that state action would in all cases continue to be exempt. Several institutions have already attempted to use the antitrust laws to overturn state efforts to regulate new entrants, and while none have as yet been successful, that is not to say that this approach could not prove fruitful in overcoming an overzealous attempt to exclude a telecommunications-based instructional provider.

Equal Protection

The Fourteenth Amendment Equal Protection Clause of the Constitution has also been invoked to challenge the right of states to regulate postsecondary education. The Amendment simply provides that "no state shall ... deny any person within its jurisdiction the equal protection of the law." Simply stated, this means that differences in treatment must be based on "reasonable classification." The Supreme Court uses a three-part test in determining whether a classification is reasonable: rationality, serving a proper governmental purpose, and equality of treatment of persons within the same class. Where a "fundamental right" is involved, the Court now imposes a further, and more strict, set of criteria. To meet the Equal Protection Clause requirement, a state action must also be necessary to promote a compelling state interest and it must be the least burdensome alternative available.

If higher education is deemed to be a fundamental right, then the regulation of learning by telecommunications could be subject to the rigorous test described above. Whether, for example, protecting existing institutions from "excessive" competition is an adequately compelling state interest could become the basis of an action to overturn a

state's effort to exclude or regulate a telecommunications-based provider. Similarly, a state's exclusion of students enrolled in an out-of-state institution's telecommunications-based program from access to financial assistance could well be subject to challenge on equal protection grounds.

First Amendment Rights

The First Amendment guarantees of free speech and association are perhaps the most sacred Constitutional provisions. The Courts consistently have construed the First Amendment as forbidding the prior restraint of speech in any form unless there was demonstrated a manifest "clear and present danger" arising from it: the shout of "fire" in a crowded theater being the classic example. State efforts to restrict the content of education -- at least private education -- repeatedly have been struck down. However, regulation of quality has been sustained where the state can demonstrate a clear public interest in doing so. Thus, statutes that require an institution to demonstrate the academic credibility of its degree program have been sustained as representing a reasonable effort to protect the public from purveyors of worthless credentials. But statutes

dealing with the quality of private non-degree programs have not fared as well.

Regulation of telecommunications-based instruction must therefore tread the line between that which is permissible to protect the public and that which restricts the freedom of the institution to speak and the public to hear -- or to ignore.

Conclusion

The legal issues surrounding the interstate delivery of telecommunications-based higher education are both many and manifestly uncertain. The paucity of legal precedent leaves unanswered such fundamental questions as whether a state can exercise its power to regulate a telecommunications-based provider, how that power can be exercised and what are the basic rights of the learner and of the institution. It is clear that a state has only limited authority to regulate the telecommunications medium, but rather more power to regulate the institutional provider -- assuming of course that the institution had created sufficient "physical presence" within the state to trigger its own authorization statute. The objective of the Legal Task Force was to identify concerns and key issues that would provide a framework around which

the Accreditation and Authorization Task Forces could build a coherent approach to the management of distance learning via telecommunications, consistent with protecting the rights and interests of learners and avoiding unduly burdening those institutions that are seeking to enter this field. It did so, in the context of a fluid and still uncertain legal setting. Only time, and the decisions of the various State and Federal courts, will tell how accurately those problems have been assessed.

THE FINAL PRODUCTS

The previous sections of this report have outlined the responsibilities of the various task forces and their efforts. These efforts resulted in three tangible "products." Each is presented in this section of the report.

The first "product" is a proposed national strategy for assessing long distance learning through telecommunications. Although imbedded in the Statement and Institutional Profile, it merits special attention for, if implemented, it would readjust the relationship of the accrediting and state authorizing communities and enhance and strengthen cooperation between these groups.

The second and third "products" have been discussed in some detail earlier, but are presented here in their final, approved form: the Statement on Accreditation and Authorization of Distance Learning Through Telecommunications and the Institutional Profile for Telecommunications Instruction.

A Proposed National Strategy

From its inception, Project ALLTEL was concerned about developing a strategy or some means to ensure the quality of instruction delivered by telecommunications, promoting the effective and efficient use of the emerging technologies, and reducing the multiple and repetitive accrediting and state authorizing activities with which many institutions would be faced. In addition to balancing these concerns, the legal environment, particularly physical presence, and the relationship between governmental (state) and non-governmental voluntary (accrediting) agencies both charged with ensuring quality, were added dimensions to the problem.

The task forces have proposed, and the sponsoring organizations have endorsed, a strategy which, if adopted, will help to ensure the quality of instruction by telecommunications and which will circumvent, to a great extent, the legal issue of a state's right to regulate. In many ways the strategy is a simple one which makes use of existing accrediting bodies and state agencies. In reality, it is a complex solution which will require the development of new relationships between these communities and a

significant amount of internal review and hard work on the part of all involved.

Implementation of the principles and procedures in the Statement and use of the Institutional Profile are tied to the proposed strategy. It is presented below.

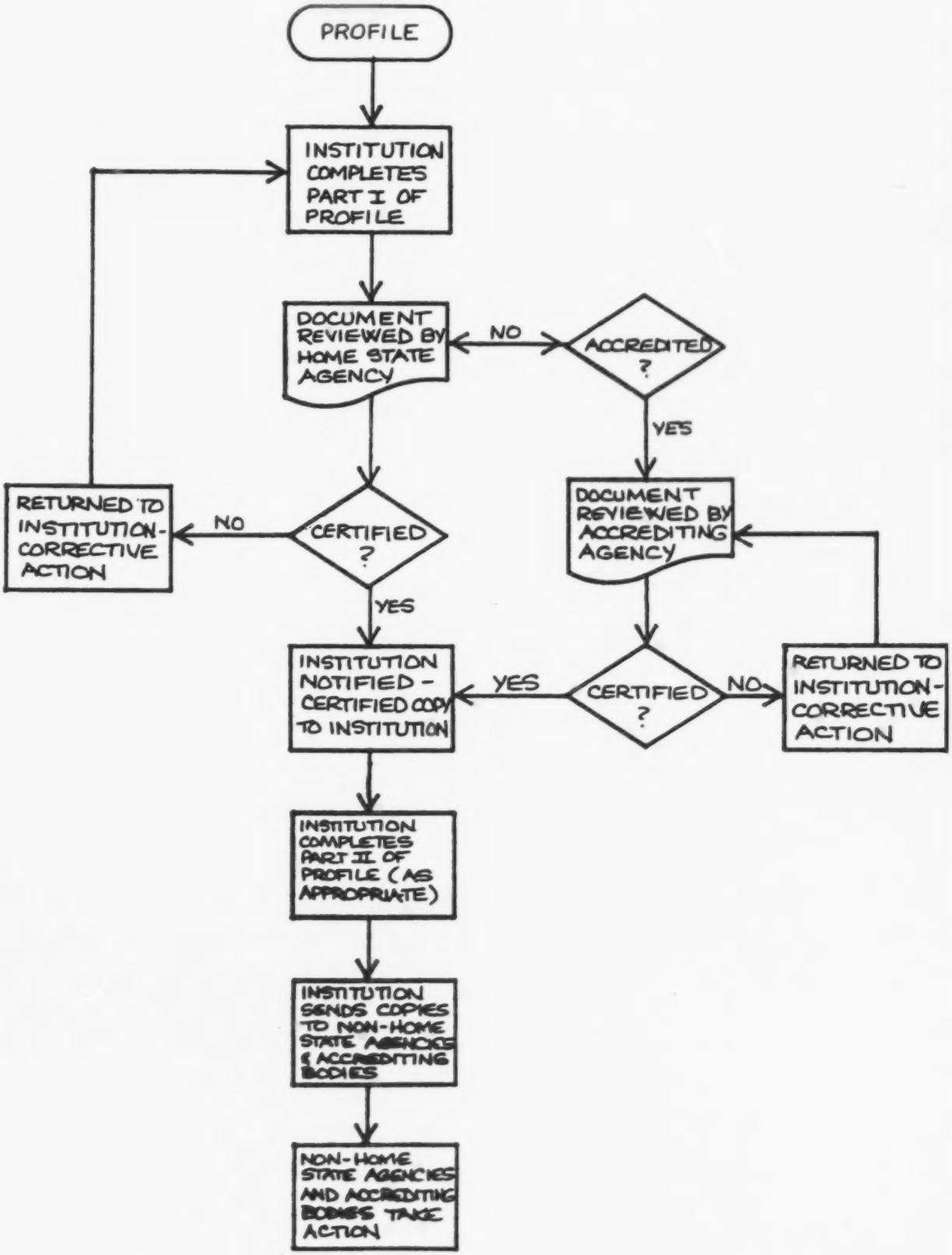
The proposed strategy for assessing distance learning by telecommunications would place primary responsibility for guaranteeing the quality of instruction on the home state authorizing agency and the appropriate accrediting body (regional, national, or specialized agency). These agencies would be charged with certifying for other state agencies and accrediting bodies the quality of the academic program being delivered. The steps and procedures suggested are:

1. An institution would provide documentation on the objectives and scope of its programs using telecommunications, including provision for instruction and instructional support. This information would be provided on the Institutional Profile for Telecommunications Instruction, a document designed to provide state agencies and accrediting bodies with crucial information about telecommunications-based activities.

2. State agencies and accrediting bodies would review the documentation to determine whether the instruction and instructional support meet the established requirements and standards.
3. The documentation would be audited by state agencies and accrediting bodies and certified as being complete, accurate, and representative of the institution's telecommunications activities. The certified document could then be made available to any state agency or accrediting body needing such information.
4. If proper quality and quality controls are evident, approval could be granted by state agencies and accrediting bodies to include the activity within the institution's recognized status.
5. If necessary to reach a sound decision, a state agency or accrediting body may request additional documentation, or schedule an on-site visit. The institution, for its part, may withdraw its request without prejudice or appeal any adverse decision to the appropriate body or bodies consistent with due process procedures.

The following chart depicts the procedures outlined above.

PROCEDURES IN THE PROPOSED STRATEGY



Crucial to the proposed strategy is the acceptance by other state agencies and accrediting bodies of the determination of the home state agency and accrediting body. Two factors work positively towards acceptance of the decision. First, the non-home state may not have any jurisdiction if the institution has little or no physical presence in that state. Second, there is a consistency to the signal which does not occur in more traditional off-campus programs. In theory, the signal which emanates from an Ohio institution in whatever form, will be the same signal received in New York, California, Florida and Texas. Thus if we can ensure the quality of the activity in Ohio, the other states and accrediting agencies should have, at the very least, a minimum level of approval. This assumes, of course, that the home state and the appropriate accrediting body have reasonable and adequate standards and criteria and have applied them to the institution in question. In part, this is the function of the Institutional Profile -- to collect needed data about an institution's activity to allow states and accrediting bodies to assess the activity by telecommunications. Further, any non-home state can request additional information about the institution by requesting supplemental data to that which is provided on the Profile.

There are numerous issues and barriers to implementing this proposed strategy. In truth, it suggests a reciprocal arrangement between and among state agencies and accrediting bodies which has not occurred previously. These issues and barriers are discussed in the conclusion of this report.

The Statement on Accreditation and Authorization of Distance Learning Through Telecommunication

The Statement is the primary document prepared by the task forces and Steering Committee. It sets forth a series of general principles for institutions, accrediting bodies, and state agencies, as well as specific procedures for COPA and SHEEO in telecommunications instruction.

It is important to note that the task forces considered and rejected the establishment of a separate accrediting body for instruction delivered by telecommunications, and reinforced the current arrangement of state authorization and voluntary non-governmental accreditation. In addition, a fundamental purpose of the Statement is to ensure the quality and integrity of telecommunications activities through closer

working relationships between and among state agencies, accrediting bodies, and institutions.

STATEMENT ON
ACCREDITATION AND AUTHORIZATION OF
DISTANCE LEARNING THROUGH TELECOMMUNICATIONS

Introduction

This Statement summarizes the results of a two year study on assessing long distance learning by telecommunications. The study, co-sponsored by the Council on Postsecondary Accreditation and the State Higher Education Executive Officers Association, focused on the rapid development and use of telecommunications to offer postsecondary education and the need to ensure the quality and integrity of this instructional activity. It was supported by a grant from the Fund for the Improvement of Postsecondary Education, whose views it does not necessarily reflect.

A series of task forces and advisory committees were responsible for developing the components in the Statement. During their deliberations, each group affirmed the need to address the quality of telecommunications instruction within the existing assessment framework, which includes state authorization, non-governmental voluntary accreditation, and institutional self-regulation. This belief is reinforced in the principles and procedures which follow. The following definition was used during the study.

> Telecommunications instruction is 'any course or series of courses offered or sponsored by a postsecondary education institution, consortium of institutions, or other organization, for which credit is offered or awarded toward a certificate, diploma, or degree. The course or courses must have, as the primary mode of delivery, television, video cassette or disc, film, radio, computer, or other supportive devices which build upon the audio-video format. In many instances, the telecommunications course is supported by textbooks, study guides, library resources, and other study aids, and may also involve personal interaction with faculty, tutors, or other educational personnel by telephone, mail, or in face-to-face meetings.

I. General Principles

A. The assessment of programs delivered by telecommunications should take place within the context of an institution's or other organization's total educational mission.

B. The policies and procedures for assessing long distance learning should not discourage the development and use of technology for educational purposes. Specific requirements by state authorizing agencies and accrediting bodies should accommodate constructive innovation.

C. The focus of states' authorization and of non-governmental accreditation activity in long distance learning by telecommunications should be on postsecondary institutions and other organizations which award credit that can be applied toward academic degrees, or which provide other credentials that have credit bearing significance such as programs leading to certification of proficiency or licensure. Authorization and accreditation requirements should not apply to those institutions and organizations which are involved only in the production of courses or support materials.

D. State authorization activities are and should be the initial step and a necessary prerequisite to accreditation in the assessment of long distance learning by telecommunications.

E. The states have a responsibility in consumer protection which should be reinforced as necessary. States without adequate authorization legislation are urged to develop such legislation.

F. Institutions and other organizations involved in telecommunications instruction, as in other instructional activities, should use and further develop rigorous outcome measures to assess program effectiveness. Accrediting bodies and state authorizing agencies should validate and use such measures to the greatest possible extent in their evaluation activities.

G. The focus of the assessment activity for long distance learning by telecommunications conducted by educational institutions should be accreditation, either institutional or professional as appropriate to the offerings.

H. The interests of higher education and the general public are best served when institutions voluntarily seek appropriate approval even in situations in which they may not be required to do so. Toward this end, the accreditation and authorization of telecommunications-based educational programs should be thorough and reasonable. If this can be accomplished, then the institutional burden of seeking approval will be a reasonable price to pay for increased public confidence.

I. The necessity of an institution's seeking state authorization depends in large measure upon the institution's "physical presence" in the state or states in which it wishes to operate. Although there is yet no clear legal definition of "physical presence" the following guidelines have been developed.

1. The act of transmitting an electronic signal into another state without any other contact within that state does not, under current laws, constitute physical presence. Similarly, the use of an interstate interactive computer system to deliver educational services, absent any other instate contact, would not necessarily create jurisdiction over the out-of-state institution.

2. The use of interstate mail and telephone services to provide instructional and related services to students involves protected interstate commerce and, therefore, generally cannot be subjected to state regulation.

3. The presence of an institutional recruiter (agent) in a state may constitute sufficient physical presence of an institution in that state to subject it to licensure. It may also subject the institution to other legal constraints.

4. Support services that include institutional representatives in a state, such as tutors, counselors, or instructors, in most instances establish physical presence sufficient to afford the state jurisdiction through its approval mechanism.

II. Procedures

A. A primary and fundamental objective is the development of close working relations among state authorizing agencies, accrediting bodies, and institutions. They should undertake to reexamine and develop regulations, standards, and criteria for use in the evaluation of instruction delivered by telecommunications. State agencies and accrediting bodies should work together to ensure that state authorization provisions and procedures and accrediting standards complement each other. By undertaking this joint effort, a second objective of reducing the multiple and repetitive procedures currently required for institutions operating in several jurisdictions may be realized.

The following procedures are suggested as an initial step toward meeting those objectives.

1. With respect to the states:

a. States should provide mechanisms to exchange information with each other and with accrediting bodies concerning standards, procedures, and actions relating to the authorization of institutions to operate and grant degrees.

b. State authorizing agencies should seek more uniform authorization requirements so that educational institutions eventually can receive authorization in all jurisdictions through common assessment procedures.

c. The states have constitutional and statutory responsibility to provide and supervise education. In those states where statutes providing supervision of

postsecondary institutions currently do not exist, appropriate legislation should be sought, and the means for reviewing and authorizing educational operations and institutions should be established. Due consideration should be given to instruction delivered by telecommunications.

The State Higher Education Executive Officers Association should continue to work closely with the states to attain these objectives.

2. With respect to regional, national, and specialized accrediting bodies:

   a. Accrediting bodies should continue to develop standards and procedures for off-campus programs, including instruction delivered by telecommunications, in harmony with the COPA policy statement on off-campus operations and institutional and accrediting bodies agreements of understanding.

   b. Accrediting bodies, through COPA, should create better mechanisms for the exchange of information with each other and with all affected state agencies concerning standards, procedures, and actions relating to the accreditation of institutions and programs and their off-campus activities, including instruction delivered by telecommunications.

   c. Accrediting bodies, as they do now for all other programs, should require institutions involved in long distance learning by telecommunications to have the appropriate authorization to operate in any state in which they wish to offer instruction.

   d. Accrediting bodies should require demonstration by an institution or, in the case of specialized accreditation, by the program under evaluation that its students achieve the educational objectives set for

them. Currently accepted criteria of accreditation can be applied to institutions and programs offering long distance learning or using telecommunications and other electronic techniques. These criteria require, in accordance with accreditation standards, that institutions or programs:

1) Have clearly defined and appropriate educational objectives.

2) Have the resources and structure needed to accomplish these objectives.

3) Demonstrate that these objectives are being accomplished.

4) Give reasons to believe that these objectives will continue to be accomplished.

The Council on Postsecondary Accreditation should continue to work closely with accrediting bodies to attain these objectives.

III. Implementation

The following specific procedures are suggested to effect these recommendations:

A. An institution should give to the appropriate state agencies and accrediting bodies advance notice of intent to initiate programs using telecommunications that provide credit applicable toward degrees.

B. To obtain appropriate recognition from state agencies and accrediting bodies, the following strategy is suggested:

1. An institution would provide documentation on the objectives and scope of its programs using telecommunications, including provision for instruction and instructional support. This information would be provided on the Institutional Profile for Telecommunications Instruction (see attachment), a document

designed to provide state agencies and accrediting bodies with crucial information about telecommunications-based activities.

2. State agencies and accrediting bodies would review the documentation to determine whether the instruction and instructional support meet the established requirements and standards.

3. The documentation would be audited, as appropriate, by state agencies and accrediting bodies and certified as being complete, accurate, and representative of the institution's telecommunications activities. The certified document could then be made available to any state agency or accrediting body needing such information.

4. If proper quality and quality controls are evident, approval would be granted by state agencies and accrediting bodies to include the activity within the institution's recognized status.

5. If necessary to reach a sound decision, a state agency or accrediting body may request additional documentation or schedule an on-site visit. The institution, for its part, may withdraw its request without prejudice or appeal any adverse decision to the appropriate body or bodies consistent with due process procedures.

C. Interregional or other agreements envisioning a single accrediting activity for an institution, conducted cooperatively by two or more accrediting bodies, should be fully implemented as they relate to long distance learning so that the accreditation of an institution can be conducted in a single process.

Conclusion

The principles and procedures recommended in this Statement were formulated to ensure the highest quality and integrity of instruction delivered by telecommunications. If adopted by state authorizing agencies and accrediting bodies, there will be a better likelihood of increased

cooperation between them, and an important step will have been taken toward instituting common, reasonable and thorough approval practices.

Endorsed by the State Higher Education Executive Officers Association, August 1, 1984, and by the Council on Postsecondary Accreditation, October 11, 1984.

The Institutional Profile for Telecommunications Instruction

The Institutional Profile is a document designed to operationalize the proposed strategy and the principles in the Statement. If adopted for use by state agencies and accrediting bodies, it would provide necessary information to all agencies about an institution's telecommunications activities.

It is expected that state agencies and accrediting bodies will add to the information requested as appropriate to their needs. The profile is intended to be a dynamic document which will evolve and change to meet particular needs, yet will be grounded in fundamental data requirements with which both state agencies and accrediting bodies are concerned.

INSTITUTIONAL PROFILE
FOR
TELECOMMUNICATIONS INSTRUCTION

Council on Postsecondary Accreditation
State Higher Education Executive Officers Association

Introduction

The purpose of this profile is to provide relevant information to state authorizing agencies and accrediting bodies about your institution's instructional activities via telecommunications. Telecommunications instruction is defined as any course or series of courses offered or sponsored by a postsecondary education institution, consortium of institutions, or other organization, for which credit is offered or awarded toward a certificate, diploma, or degree. The course or courses must have, as the primary mode of delivery, television, video cassette or disc, film, radio, or other supportive devices (such as interactive computer) which build upon the audio-video format. In many instances, the telecommunications course is supported by textbooks, study guides, library resources, and other study aids, and may also involve personal interaction with faculty, tutors, or other educational personnel by telephone, mail, or in face-to-face meetings.

The profile does not substitute for or replace any specific requirements which either state authorizing agencies or accrediting bodies may require. It is intended to provide these organizations with basic information to assist them in evaluating your activity within their jurisdictions. You will want to supply as much information as is reasonable and appropriate to explain your telecommunications activities, your programs, and your administrative arrangements in each state and region in which you plan to operate.

The profile contains two major sections: "General Institutional Data" and "State Data." The "General Institutional Data" section seeks general information about the institution's telecommunications-based instructional activities in nine categories. This information is not specific to any one particular state in which the institution operates or plans to operate, but rather is intended to

provide information about the institution's overall policies and procedures for telecommunications instruction.

The "State Data" section seeks specific information, by state, for each state in which the institution plans to deliver instruction via telecommunications. The institution is requested to provide a separate set of "State Data" information for each state. If the institution's activities are identical in more than one state, the information need only be provided once for those states.

The completed profile is intended to provide a document that can be audited by both the home state authorizing agency and the institutional (national or regional) and specialized accrediting bodies designated by your institution. These organizations, following the review of the documentation provided, will certify that the information contained in the Profile is complete, accurate, and representative of the institution's telecommunications activities in the home state. If all is in order, the agencies will certify Section I of the Profile. Section II of the Profile, which contains specific information about the institution's activities in non-home states, may be reviewed by the home state agencies and accrediting body but will not be certified by the reviewing agencies. The institution can then submit the certified Profile to those state agencies and accrediting bodies requiring the information.

Instructions

Please respond to each question which is applicable to your situation. If there are questions which are not appropriate, note this in your report. The report should be prepared following the outline of the profile, with your response corresponding to the item (and sub-item) for each categorical area.

You need only complete Section I--"General Institutional Data"--one time. This section of the Profile should include as much information about your telecommunications activities and policies and procedures as possible. Section II--"State Data"--should be completed for each state in which you plan to offer instruction via telecommunications.

The profile is designed to collect relevant information about your instructional activities via telecommunications, whether you are offering complete degree programs via telecommunications or selected courses via telecommunications which are applicable to a degree. The

references to "instructional program(s)" throughout the profile should be interpreted and adjusted to fit your particular situation.

You should include institutional catalogues, bulletins, course descriptions and other documents as appropriate. You may reference these materials in your responses (e.g., "I.B., mission statement for the institution, see pages 4-5 in 1983-4 Catalogue").

The completed report should be mailed to the appropriate national, regional, and specialized accrediting body and the home state authorizing agency.

I. GENERAL INSTITUTIONAL INFORMATION A. Cover Page

1. Corporate name of institution:

2. Mailing address: 3. Telephone number:

4. Name, title, address and telephone number of institutional representative completing this document:

5. Type of control:
____Public (specify state)_____
____Independent non-profit, religious (specify affiliation)
_____
____Independent non-profit _____
____Proprietary
____Other _____

6. Levels of offerings (check all that are appropriate)
____Doctorate
____Beyond master's but less than doctorate
____Master's degree
____First professional degree
____Baccalaureate degree (four or five years)
____Associate degree
____Other (specify)_____

7. Accreditation
____institutional (please specify)_____
____specialized or programmatic (please specify)
_____

8. Home state authorizing authority:

9. Instructional programs offered via telecommunications described in this Profile.

10. I hereby certify that the information in this profile is complete and accurate .
Name and title of chief executive officer:

_____ _____
Date

B. Mission

1. Describe the institution's mission, goals and objectives, and long-range plans for the instructional program(s) offered via telecommunications.

C. Organization and Administration

1. Briefly describe the institution's organizational structure for the administration and governance of instructional program(s) delivered via telecommunications. Note any special administrative arrangements for the delivery of the instructional program(s).

2. Describe any consortial or other arrangements with institutions or other organizations which the institution has for telecommunications instruction.

D. Finance

1. Describe the institution's financial planning and budgeting procedures for the instructional program(s) offered via telecommunications. Note any arrangements which differ from on-campus planning and budgeting procedures.

2. What are the tuition and fee charges for instruction offered via telecommunications? Are these tuition and fees different from tuition and fees charged at a home campus? If so, why?

3. What is the institution's refund policy for students enrolled in telecommunications-based instructional programs?

4. Describe how the institution would protect the interests of students if the institution were to discontinue or terminate its activities via telecommunications.

E. Educational Programs

1. Describe the process for the review and selection of each instructional program offered via telecommunications with respect to:

   a. academic content (curriculum)

   b. equivalence to on-campus offerings

   c. instructional methods

2. Describe how the institution plans to monitor and ensure the quality of instruction delivered via telecommunications, including any evaluation and assessment procedures for the instructional program(s). Note any outcome measures which the institution uses or proposes to use to evaluate student progress in the instructional program(s).

3. Describe any special arrangements or procedures necessitated by the telecommunications-based instructional program(s) for the following:

   a. grading

   b. transfer credit policies

   c. credit for experiential learning

4. If the institution purchases any or all of its telecommunications-based instructional programs from another organization or institution, list the program(s), the source of each, and describe:

   a. procedures used in selecting the instructional program(s)

   b. procedures used in evaluating the instructional program(s) for credit-bearing instruction at the institution

   c. changes or editing by the institution

F. Instructional Staff

1. List the faculty members who are directly involved with the instructional component of the

telecommunications instructional program(s). For each, include information pertaining to their:

a. institutional status (regular, adjunct, etc.)

b. location (on-campus, off-campus)

c. rank and tenure status

d. degrees held and field of specialization (or equivalent training and experience)

e. discipline in which they are instructing

f. involvement in prior telecommunications instructional activities

g. course load and assignments

2. If faculty are recruited specifically for the telecommunications instructional program(s), describe this process and the differences between this and regular faculty recruitment. If the selection criteria are different, explain how and why.

3. Describe any arrangements made for instructional staff involved in telecommunications instructional program(s) with regard to:

a. orientation

b. student and instructor interaction

c. course and program development

d. student testing

4. Describe the institution's procedure for the evaluation of faculty involved with the telecommunications instructional program(s). If this evaluation process differs from regular procedures, explain how and why.

G. Student Services

1. Describe how and where the following services are provided for students involved in the telecommunications instructional program(s):

   a. admissions

   b. course registration

   c. records maintenance

   d. academic advising

   e. counseling

   f. financial aid

   g. student activities

   h. book/material purchase

   i. tutoring

   j. remedial services

   k. placement services

   l. other services

   If these procedures differ from on-campus procedures, describe how and why.

H. Learning Resources and Services

1. Describe the arrangements made to provide learning resources and services of an appropriate breadth and quality to students enrolled in the telecommunications instructional program(s)-- e.g., mailing of materials from a home campus, contractual arrangements for library resources and services, computerized data banks, student purchases of library materials. If the institution is offering graduate-level instruction via telecommunications, describe arrangements made to provide appropriate learning resources and services for graduate students.

2. What guides or other information are made available to students regarding learning resources and services for distance learners?

I. Telecommunications Delivery Systems

1. Specify the delivery system(s) utilized for the institution's telecommunications-based instructional program(s)-- e.g., television, videotape, computer.

2. Describe any facilities and equipment necessary for the delivery of the institution's telecommunications instructional program(s).

3. Describe any equipment students must have access to in order to receive their instructional program(s) delivered via telecommunications. What arrangements are made for making this equipment available to students?

4. Does the institution deliver the telecommunications instructional program(s) directly to students or through another entity? If through a broadcast entity, provide the name, title, address and phone number of the chief executive officer of the broadcast entity.

J. Academic Oversight

1. Describe how the institution will monitor and ensure the quality of the overall academic program(s) being delivered via telecommunications. Include in this description the evaluation procedures to be used for the telecommunications delivery system, learning resources and services, student services, organization and administration of the instructional program(s), and the overall effectiveness of the institution's activities.

* * * * *

II. STATE DATA

Please provide information applicable to the responding institution for each state which the institution plans to enroll students in telecommunications-based instructional program(s). If the planned activities in each state are identical, please list these states and provide one complete set of the information requested in this section of the Profile. Some states may request additional information and will notify the institution if it does.

State _____

A. What is the institution's current status with respect to authorization or licensure in the state in question?

B. Is the institution currently operating in the state via telecommunications? If so, please provide the following information for the past two years of operation:

1. instructional program(s) and degrees available

2. courses offered by number, title and level (this information may be provided by catalogs, program bulletins, or other published documents).

3. enrollments by course

4. degrees conferred

C. Are the telecommunications activities described in B included in the institution's present authorization in the State in question?

D. List all of the institution's educational activities via telecommunications planned in the state. Include in the description information on the following:

1. The instructional program(s) and degree(s) that will be offered.

2. The percentage of each degree program that will be offered via telecommunications. If the entire program will not be available in the state via telecommunications, by what means will students complete the remaining portion of the program? Where?

3. The form(s) of telecommunications delivery systems that will be used in the state.

E. If the institution plans to operate discrete sites in the state, please list these sites. (A site refers to any location in the state where students come together for instructional activites--e.g., classroom sessions, seminars, or group meetings.)

F. For each instructional program the institution plans to offer via telecommunications in the state during the next two years, provide the following information (this information may be provided by catalogs, program bulletins, or other published documents):

1. course number, title, and level

2. when the course is scheduled to be offered

3. projected enrollment

G. List any non-instructional institutional personnel who are expected to provide services in the state, their titles, and their responsibilities.

H. Describe any arrangements which the institution has made or plans to make within the state, including contracts with organizations to provide services, arrangements for library access, etc.

I. Provide evidence of the institution's financial stability and ability to provide adequate financial resources to ensure the continuation of its educational activities in the state.

October, 1984

Endorsed By The State Higher Education Executive Officers Association, August 1, 1984, and by the Council on Postsecondary Accreditation, October 11, 1984.

THE ALLTEL TELECONFERENCE

The major dissemination activity for the Project was a national video teleconference May 31, 1984. The ALLTEL Teleconference was supported in part by a grant from the Annenberg/Corporation for Public Broadcasting Project, with additional assistance from the Adult Learning Service of the Public Broadcasting Service. The idea to hold a national video teleconference to disseminate the results of the Project was originally suggested in the grant proposal to FIPSE. Since the impact of the study ultimately would be measured in terms of actions taken by COPA and SHEEO member organizations charged with assessing telecommunications instruction, the Project results needed to be delivered to these organizations in a timely and efficient manner. To reach these and other affected groups, a national video teleconference was proposed "to reach the widest possible audience [and to ensure] the involvement of representatives of all affected communities."

The primary objective of the teleconference was to disseminate information to affected communities about the Project and the issues concerning the assessment of long distance learning via telecommunications. The goal was to educate by making use of the telecommunications technology

which had been the focus of the study for two years. If the objective of educating these groups was accomplished by the teleconference, three major results would be achieved or actions initiated:

1. Participants would gain a heightened awareness of developments in telecommunications instruction and of its potential as an alternative delivery system for higher education services;
2. In particular, participants would gain a better understanding of the concerns about evaluating this form of instructional delivery, given the current structure of the state authorization and accreditation processes; and
3. Participants would be moved towards developing assessment strategies which encourage the utilization of new technologies while continuing to provide adequate consumer protection and continuing the process of quality assurance and self-regulation characteristic of voluntary accreditation.

The target audience included the accreditation community, state authorizing agencies, institutions of higher education, state government, including state telecommunications agencies, legislators, and others involved in developing educational policy, the communications industry, higher education associations, and the federal government.

The teleconference was viewed by approximately 1,000 people at sites around the United States and Canada. Six hundred people participated at 34 active sites, and an estimated 400 people viewed the teleconference at some 50 secondary receiving sites. Many of these secondary sites requested authorization to "take down" the signal and were granted approval if their location was not within commuting distance of an active site. The estimate of viewers at the secondary sites was based on comments received from a number of sites. The actual number of viewers may have been higher than that estimated.

The results of the evaluation by questionnaire indicated that the "target" audience was generally reached. The audience was, for the most part, not experienced in teleconferencing, yet the vast majority believed it was and is an effective way of meeting. The content of the meeting

was significantly important (the majority said they would attend a "traditional" conference on the subject) and the use of telecommunications was not the primary reason for attending the meeting, although this was a factor in attendance. The number of participants undoubtedly would have decreased significantly if a "traditional" national conference on the subject was held at some distance from the participants.

The production of the event was judged to be extremely good and done in an highly professional manner. This point was supported by the written comments of the participants on the evaluation form. Many experienced teleconference participants noted it was the best production they had viewed. Adding support to the production were the excellent facilities and services at the local sites, which also received high marks from the participants.

The content of the teleconference--the objective of educating the target audience--also was viewed positively. Most participants believed the teleconference was a valuable activity and there was great consistency in the value placed on each of the three one-hour segments. The most crucial question of all--did the teleconference give you the information you sought--revealed that nine out of ten

participants believed it did. This statistic, when combined with the fact that over one-half of the participants were unfamiliar with the Project, seems to indicate that the message was received by the right audience in an appropriate delivery mode.

Overall, the teleconference was a success and brought further national attention to the Project and the "products" of the study. By all measures it was a successful undertaking and a significant demonstration of the use of technology.

SUMMARY AND CONCLUSIONS

In many ways, the conclusion of this Project represents a starting point for addressing the issues of assessing distance learning by telecommunications. While the Project's task forces have debated and discussed a number of important issues and questions, many questions posed were not dealt with, in large part because these questions fell outside of the purview of the Project's task forces. Nevertheless, these issues must be addressed in the coming years and it is hoped that the results of this effort will form the foundation upon which to seek solutions.

This effort has been significant and productive in many ways. Tangibly, the "Statement on Accreditation and Authorization of Distance Learning Through Telecommunications" and the "Institutional Profile for Telecommunications Instruction" have become significant documents for the higher education community. The principles, procedures, and strategies suggested in these documents have already added much to the emerging issues of the authorization and accreditation of institutions providing learning delivered via telecommunications. The Project has also helped to further the knowledge and understanding of telecommunications and its potential in higher education.

Yet many of the more significant products of this undertaking are less tangible. There is a greater understanding of state authorization procedures in this country as well as a more knowledgeable community with respect to accreditation and its important role in American higher education. The significance of COPA and SHEEO collaborating on this Project should not be understated -- this joint effort is a landmark in higher education. For the first time, in a significant way, these two national organizations have worked together, reached consensus, and developed lines of communication which should serve both communities well in the coming years. Lines of communication and understanding have also been developed between institutions and the accrediting and state licensing communities, and the telecommunications "industry." As the Project concludes, a number of significant "post-ALLTEL" activities have already begun. These include the following:

* The Southern Association of Colleges and Schools has initiated "Project 1990," the Association's first effort to develop a set of policies and procedures for assessing technology-based instruction by its member (and future member) institutions. The Project has closely reviewed

the results of Project ALLTEL and has incorporated many of these results in its preliminary draft documents.

* A number of states, through the coordinated efforts of SHEEO, are discussing the development of possible "model legislation" based, in large part, on the principles and procedures recommended by ALLTEL.
* Texas, Florida, Virginia, and Pennsylvania have all endorsed or taken steps to adopt the principles and procedures, and to make use of the Institutional Profile. Other states are reviewing the project material for possible use.
* A number of institutions have requested copies of the Institutional Profile in hopes of using it to provide information to various state agencies and accrediting bodies.
* The interest in and concern for the legal issues raised by the Legal Task Force may well lead to the publication of a "primer" on legal issues for instruction delivered by telecommunications.
* Finally, and most importantly, the two sponsoring organizations have created an ongoing liaison committee to continue work in the area of telecommunications and to work jointly on other important accreditation and authorization issues.

Informal activities and requests for information and advice continue to increase. Numerous states and institutions have contacted Project personnel seeking additional information and counsel about the authorization and accreditation of institutions offering or planning to offer instruction by telecommunications

In short, the impact of the Project has been significant and continues to increase. The long-term final results may not be available for many years, but the short-term results have been significant.

Despite these optimistic and positive activities, there is much more work to be completed. Although both COPA and SHEEO have adopted the "products" of the study, individual states and accrediting bodies must now review and adopt the principles, procedures, and the proposed strategy. This may require legislative and regulatory changes, which will not be an easy task. Both state agencies and accrediting bodies must gain a better understanding of each other's procedures and must place greater faith in the decisions each makes. The proposed strategy will not work unless there is an understanding that the certified Institutional Profile is "the coin of the realm." This is not a challenge to be dismissed lightly.

Further study needs to be undertaken in the area of standards and criteria used by state agencies and accrediting bodies in assessing distance learning via telecommunications to determine whether these are unreasonable or inappropriate for instruction of this kind. The move towards "outcome" measures is a part of this issue, and all members of the higher education community should strive for the implementation of this important objective.

Still other basic issues need to be resolved. SHEEO must take, as suggested in the Statement, a leadership role in those states which have no authorization legislation or which have ineffective legislation. Without all states having baseline legislative requirements, unscrupulous institutions will have a haven from which to operate. This is not to suggest that common regulations, standards, and criteria are an objective -- the sovereignty of the states to conduct authorization activities as they wish cannot be impinged upon -- yet establishing reciprocal arrangements which bridge these differences is a reasonable objective.

COPA has a similar role in continuing to develop and refine arrangements among the institutional accrediting

bodies. Existing interregional arrangements need to be strengthened. The specialized accrediting bodies must also give further consideration to adjusting their requirements for instruction delivered via telecommunications.

The ultimate evaluation of the impact of Project ALLTEL is some years away. A true evaluation can be conducted only after state agencies and accrediting bodies have digested the Project's recommendations and begun implementation of the principles and procedures noted in this report. However, it is clear that a major first step has been taken.

The Fund for the Improvement of Postsecondary Education should be given credit for its willingness to support an effort which only suggested that potential problems loomed in the future. The results of Project ALLTEL suggest that the support was appropriate, timely, and effective. The higher education community is in a better position to understand the coming age of telecommunications and to respond to the issues which no longer are many years away. The health and vitality of our diverse system of higher education can only be strengthened by this effort.

APPENDIX A

ACCREDITATION TASK FORCE

ACCREDITATION TASK FORCE

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AUTHORIZATION TASK FORCE

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LEGAL TASK FORCE

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APPENDIX D

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TECHNOLOGY ADVISORY COMMITTEE

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APPENDIX E

IMPLEMENTATION TASK FORCE

IMPLEMENTATION TASK FORCE

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CONSULTANTS

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APPENDIX G

DRAFT JOINT STATEMENT

JOINT STATEMENT

of the Accreditation, Authorization and Legal Task Forces

on Assessing Long Distance Learning Via Telecommunications

Drafted July 12, 1983

Reston, Virginia

I. Statement of General Principles

A. The assessment of programs delivered via telecommunications should take place within the context of an institution's or other organization's total educational mission.

B. The policies and procedures for assessing long distance learning should encourage the development and use of technology for educational purposes. Specific requirements by state authorizing agencies and accrediting bodies should not become barriers to constructive innovation.

C. The focus of states' authorization and of non-governmental accreditation activity in long distance learning via telecommunications should be on the institutions and other organizations which award credit that can be applied toward academic degrees and/or provide other credentials that have credit bearing significance such as programs leading to certification of proficiency or licensure, but should not apply to organizations which produce courses, support materials, or evaluation services.

D. State authorization activities are and should be the initial step to and a necessary prerequisite for the accreditation process in the assessment of long distance learning via telecommunications.

E. The states have a responsibility in consumer protection which should be reinforced as necessary including encouraging states without adequate authorization legislation to develop it.

F. Institutions and other organizations involved in telecommunications instruction, as in other instructional activities, should utilize and further develop rigorous outcome measures subject to validation. Accrediting bodies and state authorizing agencies should place increased emphasis on such measures in their evaluation activities.

G. The focus of the assessment activity for long distance

learning via telecommunications developed by existing institutions should be the institutional accrediting process and, where appropriate, professional accreditation.

H. The interests of higher education and the general public would be best served if institutions voluntarily seek appropriate approval even in situations in which they may not be required to do so. A general intent of the task forces' recommendations is to make accreditation and authorization of telecommunications-based educational programs as thorough but reasonable as possible. If this can be done, then the burden of seeking approval will warrant an institutional investment in public accountability.

NOTE: The necessity of an institution to seek appropriate approval--i.e. authorization, accreditation, or both--may depend in large measure upon the institution's "physical presence" in the state or states in which it wishes to operate. Although in this context there is no clear legal definition of "physical presence" and a sufficient body of case law has not been created, the Legal Task Force's efforts to provide a definition of what constitutes physical presence is a valuable first step in determining jurisdictional issues and the ability of state authorizing agencies to enforce their requirements. The following guidelines were developed by the task force in an effort to fill the current legal void.

1. The act of transmitting an educational signal into another state without any support services present in that state does not constitute physical presence. Similarly, the use of an interstate interactive computer system to deliver educational services, absent any other instate contact, would not create jurisdiction over the out-of-state institution.

2. The use of interstate mail and telephone services to provide instructional and related services to students involves protected interstate commerce and, therefore, generally cannot be subjected to state regulation.

3. The presence of an institutional recruiter (agent) in a state may not constitute sufficient physical presence of an institution in that state to subject it to licensure, although it may subject the institution to other legal constraints.

4. Support services that include institutional representatives in a state, such as tutors, counselors, or instructors probably establishes physical presence sufficient to afford the state jurisdiction through its

approval mechanisms.

II. Procedural Principles and Comments

A. A primary and fundamental objective is the development of close working relationships between state authorizing agencies and accrediting bodies. Both should undertake a reexamination of regulations, standards, and criteria for application and possible use in the evaluation of instruction delivered via telecommunications.

1. With respect to state agencies, the following would seem desirable:

a. States should provide mechanisms to exchange information with each other and appropriate accrediting bodies concerning standards, procedures, and actions relating to the authorization of institutions and programs to operate and grant degrees.

b. Optimally, state authorizing agencies should seek more uniform authorization requirements so that educational institutions could receive authorization in all jurisdictions through common assessment procedures for multi-state authorizations.

c. In the context of the states' constitutional or statutory responsibility to provide or supervise education in those states where authorizing legislation currently does not exist, appropriate legislation should be passed and means of reviewing and authorizing educational operations and institutions within these states should be established, with due consideration given for instruction delivered via telecommunications.

The State Higher Education Executive Officers Association should continue to work closely with the states in efforts to attain these objectives.

2. With respect to regional, national, and/or specialized accrediting bodies, the following would seem desirable:

a. These bodies should continue to develop reasonably parallel standards and procedures for off-campus programs, including instruction delivered via telecommunications, in harmony with the COPA policy statement on off-campus operations and the existing interregional memoranda of understanding.

b. Further, these bodies, through COPA, should create better mechanisms for the exchange of information with each other and with all affected state agencies concerning standards, procedures, and actions relating to the accreditation of institutions and their off-campus activities.

3. State agencies and accrediting bodies should work together to ensure that state authorization provisions and procedures and accrediting standards complement each other.

B. Accrediting bodies and authorizing agencies jointly should seek to reduce the multiple and repetitive procedures currently required for institutions operating in several jurisdictions. The task forces focused their attention on the relationship of the authorization process to the accreditation process. Thus, it was agreed that:

1. Accrediting bodies, as they do now for all other programs, should require institutions involved in long distance learning via telecommunications to have the appropriate authorization to operate in any state in which they wish to offer instruction where these activities require such authorization.

2. Accrediting bodies should require demonstration by an institution or, in the case of specialized accreditation, by the program under evaluation that its students achieve the educational objectives set for them. The currently accepted basic conditions of accreditation can be applied to institutions and programs offering long distance learning and/or using telecommunications and other electronic techniques. These basic conditions require, in accordance with accreditation standards, that an institution or program:

a. Has clearly defined and appropriate educational objectives.

b. Has the resources and structure needed to accomplish them.

c. Can demonstrate that it in fact is accomplishing them.

d. Give reason to believe that it will continue to accomplish them.

3. The creation of a separate and new accrediting body to accredit institutions and organizations offering long distance learning via telecommunications is

unnecessary and undesirable.

III. Implementation of Principles and Procedures

As a means of implementing these recommendations, the following specific procedures are suggested:

A. An existing institution should be expected to give reasonable advance notification of intent to develop or initiate telecommunications credit- or degree-granting programs to the appropriate state authorizing agencies and the affected national, regional and/or specialized accrediting bodies.

B. To obtain appropriate recognition from state agencies and/or accrediting bodies:

1. An institution would submit to all affected parties documentation on the nature and scope of its long distance learning via telecommunications, including provisions for instruction and instructional support.

2. State agencies and accrediting bodies would review the documentation to determine jointly whether or not further steps are necessary to provide instruction and instructional support consistent with the level of quality and quality control maintained at the home institution.

3. If proper quality and quality controls are evident, approval would be granted by state agencies and accrediting bodies for the purpose of including the activity within the institution's recognized status.

4. If the parties disagree as to the adequacy of quality and quality control, then the agency or body may request additional documentation or schedule an on-site visit. The institution, for its part, may withdraw its request without prejudice or appeal any adverse decision to the appropriate body or bodies consistent with due process procedures.

C. Interregional or other agreements envisioning a single accrediting activity for an institution, conducted cooperatively by two or more accrediting bodies, should be fully implemented as they relate to long distance learning so that the accreditation of a single institution can be conducted in a single process. The institution should not be subject to evaluations by more than one accrediting body simply because its activities do not lie soley within particular geographic boundaries.

IV. Next Steps

It is recommended that the following actions be undertaken by the Steering Committee and Project staff:

A. An implementation Task Force which represents the authorization and accreditation communities will be appointed.

B. The primary goal of the Task Force is to develop the basis for working agreements between and among authorizing and accrediting bodies to reduce the multiple and repetitive procedures currently required for multi-state authorization and accreditation.

C. The Task Force will use these and other strategies in going about its work:

1. Analyze current regulations and requirements for authorization and accreditation.

2. Develop an institutional or programmatic profile of crucial information for sharing between accrediting bodies and authorizing agencies.

3. Conduct one or more simulations or actual case studies using the profile noted above.

4. Solicit opinions and advice of concerned parties.

5. Arrange meetings or negotiation sessions between accreditation bodies and authorization agencies in relation to the simulations or case studies.

6. Adapt the principles in a manner appropriate for dealing with new institutions.

V. Other Matters

Based on the preliminary findings of this Project, it is clear that COPA and SHEEO must give a high priority to steps aimed at increasing cooperation between state agencies and accrediting bodies.

Approved in principle by the Steering Committee
September 6, 1983.

9/23/83